

Remarks

Claims 1-52 were cancelled. Claims 53-59 are currently pending (the pending claims 53-59 correspond to cancelled claims 46-52).

Claims 46-48 (formerly claims 53-55) and 50-51 (formerly claims 57 and 58) were rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

New claims 53-59 recite that expression " is unrelated to any endogenous RNA in soybean". The phrase "do not share sequence identity with any endogenous RNA in soybean" has been deleted from these claims.

Support for this amendment can be found at least on page 18, lines 20-34 and page 22, lines 15-18. Thus, it is believed that no new matter has been added.

Claims 46-52 are rejected under 35 U.S.C.112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. New claims 53-59 now recite the parameters of the Clustal method of alignment used for determination of sequence identity. Support for this amendment can be found on page 13, line 31 through page 14, line 2. Thus, it is believed that no new matter has been added.

Claim 52 (now claim 59) was further rejected under 35 U.S.C.112, second paragraph, as being indefinite on the ground that the metes and bounds of the claimed invention "cannot be determined because it is unclear what is being claimed." Claim 59 now recites that the endogenous or target mRNA has at least 80% sequence identity with the sequence homologous to the target mRNA sequence based on the Clustal method of alignment using default parameters as recited in the claim. Support for this clarification can be found in the specification on page 24 at lines 13 – 17. Thus, it is believed that no new matter has been added.

It is believed that new claims as rewritten address the issues raised on page 4, paragraphs –11 of the Office Action.

Accordingly, withdrawal of the rejection of claims 46-52 (now claims 53-59) under 35 USC §112, second paragraph, is respectfully requested in view of the new claims and above-discussion.

Claims 46-47 and 49-52 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement on the ground that the

recitation of specific portions of SEQ ID NO:13 appeared to constitute new matter in the absence of support in the specification and claims as originally filed.

Support for the particular regions of SEQ ID NO:13 can be found in Example 7 on page 37 lines 1-22. The sequence recited in Claims 46-47 (now claims 53-54) and 49-52 (now claims 56-59) constitute sequences with a region unrelated to any endogenous RNA. Specifically, these sequences are 1X or 2X ELVISLIVES. The particular regions of SEQ ID NO: 13 recited in the claims encompass either 1XELVISLIVES (nucleotides 7-36 and 82-111) or 2XELVISLIVES (nucleotides 7-36, 44-73, 82-111 and 119-148) excluding the restriction enzyme sites shown in SEQ ID NO:13 (page 37, lines 14-21).

Accordingly, withdrawal of the rejection of claims 53-54 and 56-59 on grounds of new matter is respectfully requested in view of the above-cited support in the specification.

Claims 46-52 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement on the ground that the claims contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. . . ."

Attention is kindly invited to Example 10 of the specification which describes the suppression of Soybean Galactinol Synthase genes using constructs comprising ELVISLIVES .

Specifically, a plasmid construct comprising Galactinol Synthase 1 (Gas1) and Galactinol Synthase 2(Gas2) was assembled into KS149. This vector was introduced into plants and, as expected, a reduction in the level of raffinose sugars was observed, this reduction being indicative of reduced expression of endogenous soybean Galactinol synthases.

Submitted herewith is a copy of a Declaration of Dr. Joahn Stoop. Dr. Stoop is not a co-inventor of the above-identified application.

Dr. Stoop's Declaration dated October 11, 2005, states that expression of GAS3 could be reduced using the plasmid construct described above comprising the GAS1 and GAS2 fragments. These fragments share less than 80% sequence identity with GAS3. An alignment of the Gas1 and Gas2 fragments with GAS3 is shown in Appendix A.

In light of above discussion and the declaration submitted herewith, it is respectfully submitted that the specification, as filed, does indeed provide adequate written description of the broad genera of constructs or RNAs expressed from such that is commensurate with the breadth of what is now claimed, that will function to reduce the expression of any target mRNA or any endogenous RNA expressed in soybean having 80% sequence identity with a sequence homologous to at least one target mRNA expressed in soybean.

The above-discussion and Declaration of Dr. Stoop are believed to be equally apposite with respect to the rejection of claims 46-52 under 35 U.S.C. 112, first paragraph, as failing to satisfy the enablement requirement. It is respectfully submitted that one of ordinary skill in the relevant art would be able to practice the claimed invention without engaging in undue experimentation in view of the foregoing.

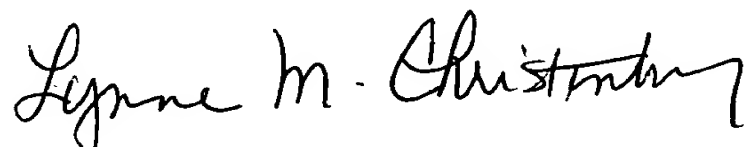
Withdrawal of the rejection of claims 46-52 (now claims 53-59) under 35 USC §112, first paragraph, is respectfully requested.

It is respectfully submitted that the claims are now in form for allowance which allowance is respectfully requested.

A petition for a three (3) month extension of time, the Declaration of Dr. Stoop (including attachments thereto)

Please charge any fees or credit any overpayment of fees which are required in connection with the filing of this Response After Final to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,



LYNNE M. CHRISTENBURY
ATTORNEY FOR APPLICANT
REGISTRATION NO. 30,971
TELEPHONE: 302-992-5481
FACSIMILE: 302-892-1026

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